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EDWARD FEDEROWICZ  
98 WEST 32ND STREET  
BAYONNE, NJ 07002

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FEB 06 2006

In re Application of :  
Federowicz :  
Application No. 09/940,211 :  
Filed: August 28, 2001 :

**OFFICE OF PETITIONS**

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed November 10, 2005, to withdraw the holding of abandonment.

The petition is **granted**.

A non-final Office action was mailed on November 17, 2004. The Office action set an extendable three month period for reply.

Petitioner spoke with the examiner on December 10, 2004.

Petitioner mailed a reply to the Office on December 18, 2004. The exact date the reply was received by the Office is unknown.

The examiner verified the reply was received during a telephone conversation with the Office of Petitions.

During the conversion of the application file from a paper file to electronic file, the reply was misplaced and not scanned.

Since a reply was in fact timely filed, the application is not abandoned.

Technology Center Art Unit 3621 will be informed of the instant decision and the examiner will consider the copy of the reply petitioner submitted on April 4, 2005, in due course.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley  
Petitions Attorney  
Office of Petitions